IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11212 of 2004

Between:

1 T.V. Rama Rao, S/o. Late Sri T.V. Narasimham,
M/s. Bharat Sanchar Nigam Ltd. Ongole resident of Ongole.
2 M. Subbarayudu, S/o. M. Seshaiah,
M/s. Bharat Sanchar Nigam Ltd. Markapur resident of D.No. 1/152/27,
Pola Subbaiah Bazar, 1st Lane, Markapur.
3 Achi Anjaneyulu, S/o. Achi Gurvaiah,
M/s. Bharat Sanchar Nigam Ltd. Chirala resident of Chirala

..... PETITIONERS

AND

1 The Union of India rep by the Chief General Manager, Telecom,
M/s. Bharat Sanchar Nigam Ltd. Andhra Pradesh Circle, Abids, Hyderabad.
2 The General Manager, Telecom District,
M/s. Bharat Sanchar Nigam Ltd. Ongole - 532 050.
3 The Divisional Engineer (Admn)., O/o. General Manager, Telecom District.
M/s. Bharat Sanchar Nigam Ltd. Ongole - 532 050.
4 The Divisional Engineer (INT),
M/s. Bharat Sanchar Nigam Ltd. Ongole.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate writ, Order or direction in the nature of writ declaring the Order No. E-274/PM/Prom/2003-04/KW/18 dated 22nd September, 2003 issued by the 3rd Respondent transferring the petitioners herein for out door duties at Veligandla, Pullacheruvu and V V Palem as illegal, arbitrary and unconstitutional and by directing the Respondents to entrust the indoor duties to the Petitioners herein as Telecom Mechanics with all consequential benefits and pass appropriate orders.

Counsel for the Petitioners: MR.VEMURI VENKATESWARA RAO

Counsel for the Respondents: Smt A.Sarada

The Court at the admission stage made the following:

ORDER:

The present writ petition is filed questioning the transfer orders issued by the 3rd respondent in proceedings No.E-274/PM/Prom/2003-04/KW/18, dated 22.09.2003.

The learned counsel appearing for the writ petitioners vehemently contended that the present postings have been issued directing the writ petitioners to attend out-door duties at Veligandla, Pullalacheruvu and V.V.Palem, where they have to climb the poles, but due to certain physical disabilities, the writ petitioners could not climb the poles and therefore, he prays to quash the impugned proceedings.

On the other hand, learned Standing counsel appearing for the respondents contended that in spite of directing the writ petitioners and others to choose the options of places, the writ petitioners did not choose to give any places of option for transfer and further, the petitioners have underwent training for climbing the poles and therefore, the impugned proceedings does not suffer from any legal infirmities.

The medical certificates filed by the writ petitioners show that they are suffering with certain disabilities. According to the writ petitioners, they

are not be in a position to discharge out-door duties like climbing the poles because of the disability suffered by them. The petitioners seems to have given a representation to the respondents to consider their grievance in posting them to a place where out-door work is not involved. Therefore, in view of the fact that the writ petitioners are suffering with certain physical deformity, it is for the respondents to consider the same.

The writ petition is accordingly disposed of directing the writ petitioners to give their representation to the respondents within one week from the date of receipt of a copy of this order and on such representation, the respondents shall consider their case and pass appropriate orders as per the rules within two weeks thereafter. Till such time, the petitioners shall not be disturbed.

_____

(K.C.BHANU, J)

13.07.2004

dr

To

1 The Union of India rep by the Chief General Manager, Telecom,
M/s. Bharat Sanchar Nigam Ltd. Andhra Pradesh Circle, Abids, Hyderabad.
2 The General Manager, Telecom District,
M/s. Bharat Sanchar Nigam Ltd. Ongole - 532 050.
3 The Divisional Engineer (Admn)., O/o. General Manager, Telecom District.

M/s. Bharat Sanchar Nigam Ltd. Ongole - 532 050.

4 The Divisional Engineer (INT),
M/s. Bharat Sanchar Nigam Ltd. Ongole.

5 Two C.D. copies